

### **ATTACHMENTS**

Attached hereto is a terminal disclaimer filed with respect to pending claims 1, 3, 5 and 7-9 with respect to claims 1, 5 and 14 of U.S. Patent 6,137,895. Upon entry of the attached terminal disclaimer, reconsideration and withdrawal of the nonstatutory double patenting rejection is requested.

### **REMARKS**

Applicant notes with appreciation the previous rejections with respect to the pending claims under 35 U.S.C. §102(e). Currently, all the pending claims stand rejected under nonstatutory obviousness-type double patenting with respect to U.S. Patent 6,137,895. With the entry of the attached terminal disclaimer, Applicant submits that this rejection has been overcome. Additionally, pending claims 1, 3, 5 and 7-9 stand rejected under 35 U.S.C. §103(a) over DeBrouse (U.S. Patent 5,920,053).

In response to this rejection, arguments are offered that the pending claims include limitations nowhere found in the prior art and as such are submitted to be entitled to patentable weight. As no amendments to the pending claims are being proffered, entry of this response is requested to place the application in condition for allowance, or at least in better condition for appeal.

#### **Remarks Directed to Rejection of Claims 1, 3, 5 and 7-9 under 35 U.S.C. §103(a) over DeBrouse**

The basis of the rejection with respect to independent claim 1 is that DeBrouse teaches all the claim limitations with respect to those articulated in the last three lines of the claim pertaining to "retrieving said computer-storage image output as said human-cognizable image on a video display in response to entry of an individualized travel datum of the passenger into a

computer in communication with said centralized database.” The Examiner has taken official notice that such a process step is well known in the art and therefore the combination of DeBrouse with well known art renders pending independent claim 1 obvious to one of ordinary skill in the art. (Paper No. 0206, section 5, pages 4-5).

Applicant agrees with the characterization that DeBrouse fails to teach the claim features detailed in the last three lines of claim 1. Applicant submits that the teachings found in DeBrouse at column 1, lines 48-65 would convey to one of skill in the art knowledge as to airline checked baggage loading and the boarding of the associated passenger, as well as printing out a photograph of a passenger as a result of a discrepancy between checked baggage and passenger boarding. In contrast, as the preamble of independent claim 1 makes clear, the pending claim 1 is associated with passenger identity verification while boarding a plane. Assuming for argument’s sake that the statements with respect to Official Notice as to the prior art exist, DeBrouse would fail to provide one of ordinary skill in the art any motivation to verify passenger identity since DeBrouse is exclusively focused on correlating baggage and passenger check in.

The invention of independent claim 1 allows for the rapid verification of passenger identity through visual comparison of a passenger with an image printed on a boarding pass being presented as well as the same image being rapidly retrieved on a video display so as to assure an additional layer of verification with the entry of an individualized travel datum associated with the passenger.

As detailed above, even if such a teaching existed, Applicant submits that DeBrouse fails to provide a motivation for such a combination to verify passenger identity. Should the Examiner fail to find the above statements persuasive, Applicant respectfully requests an actual reference commensurate in scope with the Official Notice with regard to the step of claim 1 of

“retrieving said computer-storage image output as said human-cognizable image on a video display in response to entry of an individualized travel datum of the passenger into a computer in communication with said centralized database.”

In light of the above remarks, rejection of claim 1 as being obvious over DeBrouse in view of Official Notice is now believed to be improper.

With respect to claim 3 which depends from claim 1 and independent claim 7 pertaining to a travel boarding pass system, the Examiner's attention is drawn to the instant specification, page 5, lines 16-23, which state in greater detail the subject matter of claims 3 and 7. Claims 3 and 7, rather than merely being images printed with colored ink, are printed with a color scheme associated with a specific departure. By way of example, flight number one includes a human cognizable image of a passenger printed on a boarding pass only with red ink or alternatively a red colored background, while departure number two has the passenger image printed on the boarding pass with only blue ink or alternatively a blue ink background to the image. In this way, it becomes readily apparent to a busy airline worker when a blue colored boarding pass is presented for a flight departure associated with a red colored printed image.

Applicant submits that the inventive color coding scheme associated with human cognizable passenger images printed on boarding passes is absent from DeBrouse. As such, Applicant submits that the subject matter of claims 3 and 7 is patentably distinct over DeBrouse.

Should the Examiner persist in maintaining the rejections as to claims 3 and 7, Applicant respectfully requests a reference commensurate with the Official Notice taken with respect to these claims.

Claim 5 is submitted to be allowable based on the dependency from independent claim 1, now believed to be in allowable form.

Independent claim 8 recites a travel boarding pass system for verifying the identity of the pass bearer that includes a machine readable data series printed on the boarding pass that upon reading by machine data reader provides on a video display a human cognizable bearer image from a computer database. While Applicant concedes that DeBrouse at Figure 6, reference numeral 122 (column 5, lines 33-40) teaches a boarding pass inclusive of a machine readable data series in the form of a barcode that does not encode a human cognizable image of the bearer, DeBrouse is silent as to a human cognizable bearer image being recalled on a video display upon a machine data reader reading the data series from the boarding pass. Rather, as detailed in DeBrouse at column 5, line 41 – column 6, line 35, the passenger code reference numeral 122 is scanned and compared to the baggage corresponding to this passenger to generate an exception report. No human cognizable bearer image is taught in DeBrouse as being provided on a video display. As a result, Applicant submits that pending claim 8 is nonobvious over DeBrouse.

Should the Examiner fail to find the above comments with respect to claim 8 persuasive, Applicant respectfully requests a reference commensurate with the teachings for which Official Notice has been taken.

With respect to independent claim 9, Applicant hereby incorporates the above remarks with respect to claim 8. Independent claim 9 in teaching a process in which a human cognizable image of a passenger is retrieved from a computer database and displayed on a video display interfaced with the database in response to the reading of a database encoded on a boarding pass so as to allow for comparison of the video display image with the passenger presenting the boarding pass at the time of boarding is submitted to be a process neither taught nor contemplated in DeBrouse. As detailed above, should the Examiner fail to find the above

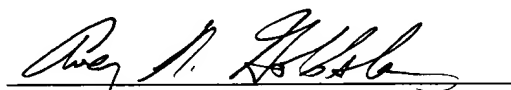
remarks persuasive with respect to the patentability of claim 9, it is respectfully requested that a reference commensurate in scope with the Official Notice taken to supplement DeBrouse be provided.

In light of the above remarks, reconsideration and withdrawal of the rejection as to claims 1, 3, 5 and 7-9 as obvious over DeBrouse under 35 U.S.C. §103(a) is requested.

**Summary**

Claims 1, 3, 5 and 7-9 remain pending in this application. Entry of this response is requested in order to place the application in condition for allowance, or at least in better condition for appeal. Reconsideration and allowance of the claims is solicited. Should the Examiner have any additional suggestions to improve the format or clarity of the claims, Applicant respectfully invites him to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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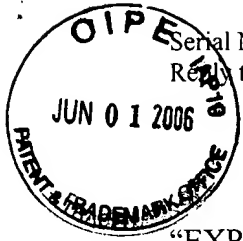
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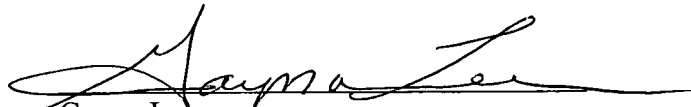


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